

Application No. 09/914,999
Attorney Docket No. PG3619USW

REMARKS / ARGUMENTS

Claims 1-30 remain in this application. New claim 31 has been added in this Amendment. Claims 1-31 are pending for examination.

The Examiner relies on two references to reject the pending claims, namely LEEDOM (US 6237590) and CASPER (US 5823183). The Examiner provides no reasoning for his findings of anticipation and obviousness. In the absence of an articulated specific rationale for rejection of the claims, Applicant has attempted herein to set forth reasons why the claims are patentable over the cited references.

CASPER

CASPER does not disclose the claimed invention. The first two embodiments (Fig. 1 and Fig. 2, respectively) of CASPER concern dry powder inhalers (DPIs) in which the powder doses are held in sealed blisters 42; 264 of a medicament pack 38; 260 (col. 6, lines 10-16; col. 8, lines 60-64). A blister of the pack is opened for inhalation of the powder by puncturing the blister with a lancet 56; 270 (col. 6, lines 20-28; col. 8, line 64 – col. 9, line 5). In the third, and last, embodiment (Fig. 3) the powder doses are held in a bulk reservoir 320 which meters into a sliding dosing plunger 340 (col. 10, lines 11-45). The dose protector of independent claim 1 has covering means which is in biased contact with a dose of medicament or a container in which the dose is retained. Moreover, the covering means is required to be openable only in response to airflow through and/or pressure drop in a first direction across an airway, but not in a second opposite direction. There is no structure in CASPER which is in biased contact with the powder dose or the medicament pack, let alone such a structure which also opens only in response to airflow/pressure drop in one direction, but not an opposite direction. Accordingly, there is no 'covering means' in CASPER as required by claim 1.

Independent claim 13 is also distinguished from CASPER. The dose protector of claim 13 has a pocket for a medicament dose and at least one sealing flap to be in biased contact with the pocket to cover it. The contact of the flap(s) with the pocket has to be able to be broken by an airflow through an airway in a first direction, but not in a second

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opposite direction. There is no pocket for a medicament dose in CASPER which is covered by a sealing flap(s) being in biased contact therewith, let alone by a flap(s) whose contact with the pocket is broken by airflow in a first direction.

Thus, claims 1 and 13 are novel over CASPER, as too are the other claims as they depend on either claim 1 or 13. Moreover, CASPER provides no motivation or suggestion which would have led a skilled person in the art, at the priority date, to the claimed invention.

LEEDOM

This reference discloses with reference to Figure 2A a DPI in which the powder dose 10 is retained in a pocket 13 which is covered by a cover 12. The other Figures show related embodiments.

There is no disclosure of the cover 12 being in biased contact with the pocket 13. In fact, in Fig. 2B there is shown a shape memory embodiment in which the cover is biased to an opening configuration (col. 3, lines 39-42).

Furthermore, there is no disclosure in LEEDOM of the cover 12 moving to its opening configuration in response to an airflow or pressure drop across an airway in a first direction, but not a second opposite direction. Rather, the cover is opened by other means, e.g. electrical (Figs. 2B and 3), mechanical (Figs. 4-6), and magnetic (Figs. 8A-B).

Accordingly, LEEDOM does not disclose all of the features of independent claims 1 and 13. Thus, claims 1 and 13 are novel over LEEDOM, as too are the other claims as they depend on either claim 1 or 13. Moreover, LEEDOM provides no motivation or suggestion which would have led a skilled person in the art, at the priority date, to the claimed invention.

New Claim 31 is patentable as the claim elements thereof are not disclosed or suggested by the prior art of record.

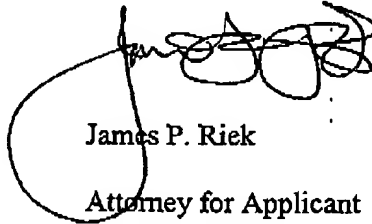
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CONCLUSION

All issues raised by the examiner to date have been addressed. As such, the claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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